IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. CIVIL WRIT PETITION NO.4699/2004
(Ram Prasad & Ors. Vs. State of Raj. & Ors.)

Date of Order : 18.07.2013

HON'BLE MR JUSTICE GOPAL KRISHAN VYAS

Mr. Rakesh Arora, for the petitioners.
Dr. G.R. Kalla, Govt. Counsel for respondent No.1.
Mr. Sanjay Kapoor, for respondent Nos. 2 and 3.
Mr. M.R. Pareek, for respondent No.4.

Heard learned counsel for the parties.

All the petitioners who were employees of Rajasthan State Bharat Scout and Guide Association are claiming pension as per Employees Pension Scheme, 1995.

Learned counsel for the petitioners submits that in view of Annexure-38 and the provisions of Family Pension Scheme, 1971 and the Employees' Pension Scheme, 1995, the petitioners are entitled for pension but the respondents are not granting the pension.

After perusing entire writ petition and annexures, It is come out from the facts that the petitioners did not apply in

pursuance of the aforesaid scheme before the respondent No.4, there was no occasion for the respondents to decide the claim of the petitioners for grant of pension as per scheme.

The instant writ petition is pending since 2004 and admittedly, the petitioners did not exercise their option for grant of pension under the Employees Pension Scheme, 1995, therefore, this writ petition is disposed of with liberty to the petitioners to now apply for the pension under Employees' Pension Scheme, 1995 within a period of fifteen days from the date of receipt of certified copy of this order and after receiving the said application in the prescribed proforma as per Annexure-38, the respondents are directed to decide the claim of pension of the petitioners in accordance with provisions of Family Pension Scheme, 1971 and the Employees' Pension Scheme, 1995 within two months thereafter after ascertaining all correctness of the facts narrated by the petitioners in their applications in prescribed proforma.

(Gopal Krishan Vyas), J.

arun